

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Mathew Timothy Scully,

Case No. 22-cv-0397 (WMW/JFD)

Plaintiff,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

Minnesota Department of Corrections, Paul  
Schnell, Jamie Doeden, and DCO  
Blanchard,

Defendants.

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Before the Court is the March 21, 2022 Report and Recommendation (R&R) of United States Magistrate Judge John F. Docherty. (Dkt. 6.) No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The March 21, 2022 R&R, (Dkt. 6), is **ADOPTED**.
2. This matter is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute pursuant to Rule 41(b), Fed. R. Civ. P.
3. Plaintiff Mathew Timothy Scully's application to proceed in *forma pauperis*, (Dkt. 2), and motion to appoint counsel, (Dkt. 4), are **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 25, 2022

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge